

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS - FORT WORTH DIVISION**

JAMES SHEPHERD, et al.,

Plaintiffs,

v.

ENVIRONMENTAL PROTECTION AGENCY, et al.,

Defendants.

§
§
§
§
§
§

**CIVIL CAUSE NO.
4:23-cv-826**

**PLAINTIFFS' RESPONSE TO THE COURT'S INTENT
TO ADVANCE TO DETERMINATION ON THE MERITS**

Plaintiffs herein respond to the October 25, 2023 Order ("Order", Doc. 30) regarding the Court's notice of its intent under Rule 65 to advance Plaintiffs' request for an injunction to a full determination on the merits and ordered the parties to file their objections to that intention no later than November 6, 2023.

Plaintiff asks that the injunction be granted if the Court is unable to schedule the advanced determination expeditiously.

Plaintiffs recognize that the Order inherently indicates that the question of standing has been resolved, but asks for that clarification to ensure that, if a hearing is necessary, the parties spend their time before the Court only on those issues which have yet to be adjudicated.

Respectfully submitted,

/s/Warren V. Norred

Warren V. Norred, Texas Bar Number: 24045094

warren@norredlaw.com

Norred Law, PLLC; 515 E. Border St.; Arlington, TX 76010

(817) 704-3984 (Office); (817) 524-6686 (Fax)

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on Friday, November 6, 2023, I filed this reply with the Clerk of the Court through the ECF system, which will send notification of such filing to the following by email to Andrew Coghlan, Shari Howard, and Mark Walters, at the addresses shown below:

TODD KIM

Assistant Attorney General Environment & Natural Resources Division

Andrew Coghlan (CA Bar. No. 313332)

Shari Howard (IL Bar No. 6289779)

Mark Walters (TX Bar No. 00788611)

United States Department of Justice

Environment & Natural Resources Division

Environmental Defense Section

P.O. Box 7611; Washington, D.C. 20002

Tel: (202) 598-9407

Fax: (202) 514-8865

andrew.coghlan@usdoj.gov

shari.howard@usdoj.gov

mark.walters@usdoj.gov

Attorneys for Federal Defendants

I am serving this Reply to the individual defendants through the EPA's counsel:

Christine Tokarz, FIFRA Inspector, EPA, Region 8, tokarz.christine@epa.gov

David Cobb, Section Supervisor, Region 8, cobb.david@epa.gov

Carol Kemker, Region 4, kemker.carol@epa.gov

Keriema Newman, newman.keriema@epa.gov

/s/Warren V. Norred

Warren V. Norred